

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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WILLIS ABEGGLEN, et al.,

Plaintiffs,

-vs-

CASE NO. 10-CV-110

TOWN OF BELOIT, et al.,

Defendants.

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DEPOSITION OF ROBERT MUSEUS, was taken at  
the instance of the Plaintiffs, under and  
pursuant to the provisions of the Federal Rules  
of Civil Procedure, and the acts amendatory  
thereof and supplementary thereto, before me,  
CHRISTINE A. MORAN, RPR, and Notary Public in and  
for the State of Wisconsin, at the Beloit Fire  
Department 2445 South Afton Road, Beloit,  
Wisconsin, on the 1st day of September, 2010,  
commencing at 12:03 o'clock in the afternoon.

1 A P P E A R A N C E S

2 RETTKO LAW OFFICES, S.C., 15460 West  
3 Capitol Drive, Suite 150, Brookfield, Wisconsin  
4 53005, by MR. WILLIAM R. RETTKO, appeared on  
5 behalf of the Plaintiffs.

6 ZALEWSKI, KLINNER & KRAMER, LLP, 1500  
7 Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin  
8 54401-1386, by MR. RICHARD W. ZALEWSKI, appeared  
9 on behalf of the Defendants.

10 ALSO PRESENT: Kris Eastman,  
11 Willis Abegglen and Mary Abegglen.

12 I N D E X

13	WITNESS	EXAMINATION	PAGE
14	ROBERT MUSEUS	By MR. RETTKO	4
15			

16 E X H I B I T S

17	EXHIBIT NO.	DESCRIPTION	ID'd
18	21	Article from The Flint Journal 1/16/02	8
19	22	Article from The Flint Journal 1/20/02	9
20	23	Memo to Town Employees from Museus	15
21		11/13/09	
22	24	Memo to Town Board from Museus 2/9/09	60
23	25	Letter to Fladthammer from Museus 4/13/09	79
24	26	Letter to Bogdonas from Museus 6/8/09	80
25	27	Memo to Town Board from Museus 11/25/09	81

1	28	Memo to Lengjak from Museus 3/1/10	86
2	29	Letter to Abegglen from Museus 3/29/10	87
3	30	Town of Beloit Job Description - Data	87
4		Entry Clerk	

5

6 R E Q U E S T E D I T E M S

7 None

8 M A R K E D Q U E S T I O N S

9 None

10

(Original Exhibits 21 through 30 were sent with the original and copies of the transcripts.)

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(The original transcript was sent to Attorney Rettko.)

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1 P R O C E E D I N G S

2 (Exhibits 21-30 were marked.)

3 ROBERT MUSEUS, called as a witness

4 herein by the Plaintiffs, after having been first

5 duly sworn, was examined and testified as

6 follows:

7 EXAMINATION

8 BY MR. RETTKO:

9 Q Would you state your name for the record.

10 A My name is Robert Museus, M-U-S-E-U-S.

11 Q Have you given a deposition before in a civil  
12 lawsuit?

13 A Yes.

14 Q I know you sat through Chief Wilson's deposition,  
15 but a couple reminders. I'm going to be asking a  
16 series of questions here, and at this point in  
17 time you're being represented by Attorney  
18 Zalewski. If he makes any objection to any of my  
19 questions, I'd appreciate if you would allow him  
20 to make his objection on the record. If he does  
21 not tell you to not answer the question, then I  
22 will be kindly asking you to answer the question  
23 subject to his objection, okay?

24 A (Nods head.)

25 Q If in the event I'm asking a question you don't

1 understand what it is I'm asking, let me know  
2 that before you provide an answer. Any time you  
3 provide an answer to any of my questions, I'm  
4 going to assume you understood the question being  
5 asked, okay?

6 A Yes.

7 Q I'm anticipating the deposition going probably  
8 about three, three and a half hours. If you need  
9 to take a break at any time for any reason, let  
10 me know that, okay?

11 A Yes.

12 Q And your date of birth, sir?

13 A December 30th, 1955.

14 Q And the year you graduated high school?

15 A 1974.

16 Q And your highest level of education?

17 A I've a Master's degree.

18 Q And when did you obtain that?

19 A 1991.

20 Q Where from?

21 A Hamline University.

22 Q And your major?

23 A Public administration.

24 Q And where did you get your Bachelor's degree at?

25 A University of Minnesota.

1 Q And the year?

2 A 1979.

3 Q And your major?

4 A History.

5 Q Do you have any intent to take another job by  
6 next August?

7 A No.

8 Q Then I should get your current home address?

9 A 636 East Waterford Drive.

10 Q And that's Beloit?

11 A Beloit.

12 Q And since your -- It looks like you graduated in  
13 1979 from the University of Minnesota and didn't  
14 get your Master's until 1991, so I'm assuming  
15 there was some work history in between there?

16 A Yes.

17 Q What's was the first employment you had after  
18 graduating the University of Minnesota in '79?

19 A I was an officer in the United States Army.

20 Q When you say an officer, what rank did you hold?

21 A I left the service as a First Lieutenant.

22 Q And you were in the Army from 1979 till when?

23 A 1983.

24 Q When you left the United States Army in 1983,  
25 where did you go to work?

1 A I became the administrator for the City of  
2 Rushford, Minnesota.

3 Q How long did you remain the Administrator for  
4 Rushford, Minnesota?

5 A Eight years. 1992.

6 Q So you stayed there while you were getting your  
7 Master's degree at Hamline University?

8 A Yes.

9 Q So Rushford must be near Minneapolis?

10 A No. It's about -- It's closer to Winona.

11 Q Winona, okay.

12 And after you left Rushford in 1992,  
13 where did you go?

14 A I became the City Administrator for Hugo,  
15 Minnesota.

16 Q How long did you remain there?

17 A Eight years.

18 Q So 2000?

19 A Yes.

20 Q And in 2000 where did you go?

21 A Became the City Manager for Swartz Creek,  
22 Michigan.

23 Q How long did you remain the city manager there?

24 A Two years.

25 Q 2002?

1 A Yes.

2 Q After you left there, where did you go?

3 A I became the administrator for the Town of  
4 Beloit.

5 Q When did you start that?

6 A January 2nd, 2003.

7 Q Why did you leave Swartz Creek?

8 A I left because there was a changeover in the City  
9 Council and I no longer felt I had the support of  
10 the Council.

11 Q I'm going to show you what's been marked as  
12 Exhibit 21. I'm going to identify for you  
13 Exhibit 21 is a -- it's from The Flint Journal,  
14 an article of January 16th, 2002?

15 A Uhm-hum.

16 Q It's titled, Hearing to decide fate of manager,  
17 Council mulls Museus' fate.

18 A Uhm-hum.

19 Q Have you had the opportunity to read Exhibit 21  
20 the story that was written?

21 A Yes.

22 Q Is there anything that you can describe for me  
23 that might be inaccurate about the story from  
24 your perspective?

25 A No. I think the facts are correct. I think that



1           this is not -- There's nothing in the story that  
2           is the reason for me leaving the city, though.

3           Q    I show you what's been marked as Exhibit 22 in  
4           this particular case. I'm going to again  
5           identify for you this is from The Flint Journal  
6           dated January 20th, 2002. It's an article  
7           entitled, Swartz Creek manager resigns Strife in  
8           city office cited as cause?

9           A    Uhm-hum.

10          Q    Have you had an opportunity to review this  
11          article?

12          A    Yes, I have.

13          Q    It appears you resigned in advance of the city  
14          council voting to terminate your employment.  
15          Would I be accurate in saying that?

16          A    No.

17          Q    What is inaccurate about what I just said?

18          A    As I see it, there were two -- there were two  
19          council members who wanted my resignation. There  
20          was one that was on the fence and there were two  
21          that wanted to keep me. And instead of -- And  
22          basically I had a discussion with the city  
23          council member who was on the fence and I made  
24          the decision that I would not stay because I felt  
25          that even if I remained afterwards, the two city

1 council members who were opposed to my service  
2 would make my life miserable. I think that if I  
3 had asked that city council member for her vote,  
4 she would have given it to me.

5 Q Now, in here there's an individual on the next  
6 page of the article, by the name of Betty  
7 Shannon?

8 A Uhm-hum.

9 Q Now, she's in here indicating that Shannon said  
10 and some fellow staffers first became disgruntled  
11 shortly after Museus' arrival when he reorganized  
12 the duties and job descriptions of City Hall.  
13 And then she says in quotes here, I think he's a  
14 good man, but he wouldn't listen to any of us.  
15 Do you see that?

16 A Yes.

17 Q Do you have any recollection of that ever being  
18 an issue while you were City Manager there from  
19 your staff that you wouldn't listen to them?

20 A No. I think Betty Shannon was an issue.

21 Q Betty Shannon was an issue with you?

22 A Yes.

23 Q What was the issue with her?

24 A When I got to the City of Swartz Creek, they had  
25 had some major turnover in the senior leadership.

1           The manager retired, I think under duress, and  
2           the Clerk retired leaving two subordinates to  
3           kind of move up in the clerical positions, and  
4           they hired a new City Manager. The new City  
5           Manager lasted less than two years and he was  
6           asked to resign. The conflict was between the  
7           two staffers, who was the Clerk and Treasurer at  
8           the time, Betty Shannon being the Treasurer.  
9           They were both incapable of doing the jobs they  
10          had been asked to do. I had -- I was responsible  
11          for removing the Clerk from her position and the  
12          Treasurer and I --

13        Q     Betty Shannon is the Treasurer?

14        A     Betty Shannon and I were in the conflict as well,  
15               So she was seeking to undermine me in the  
16               community.

17        Q     Now, in regard to issues of communicating with  
18               your staff, was that ever an issue with you at  
19               any of your prior employment at either Hugo,  
20               Minnesota, or Rushford, Minnesota?

21        A     No. I think if you talk to the staff members --  
22               I think if you talk to the staff members at  
23               Swartz Creek other than Betty Shannon, you will  
24               find that that's not true.

25        Q     Have you had any of those issues here in the Town

1 of Beloit that you wouldn't listen to your staff?

2 A No.

3 Q Now, Betty Shannon also goes on to say that you  
4 wouldn't believe the stress this office has been  
5 through in the past year. Do you have any  
6 recollection of what stress it is she's referring  
7 to?

8 A I think that perhaps she was under stress because  
9 she felt she was being held to standard. At that  
10 time when the Clerk departed, we hired a new  
11 Clerk who had different expectations than Betty.  
12 I think this all revolved around Betty. It  
13 doesn't revolve around anything else.

14 Q Now, they go on in the article to talk about  
15 issues were raised in front of the Council  
16 regarding your employment. Do you have any  
17 recollection of what issues exactly were raised  
18 in front of the Council regarding your  
19 employment?

20 A No. But I'll tell you exactly what the issue  
21 was. Betty was in the community, out in the  
22 community trying to undermine me. She became  
23 joined at the hips to an individual who ran for  
24 Council and won. The other Council member who  
25 was adamantly opposed to me was mad because I

1 would basically not violate the law to benefit  
2 her employer. And all the commotion you see here  
3 is just a face of what they were trying to put on  
4 for the public. The rest of the Board was  
5 perfectly aware of what was going on.

6 Q And near the end of the story on the third page  
7 they are talking to a Mayor Dennis Allen. Dennis  
8 Allen seems to indicate that there was a  
9 communication problem. What exactly was that  
10 communication problem?

11 A I think what he was talking about was he was  
12 dancing around the issue of between me and one of  
13 the Council members over the bar she worked at.

14 Q The bar?

15 A I think if you would call Mayor Dennis Allen  
16 today, he would be highly supportive. He asked  
17 me to stay at the time.

18 Q What bar and who are we talking about?

19 A One of the, and I can't remember her name. One  
20 of the City Council members was an employee at a  
21 bar who had had a conflict with the neighboring  
22 property owner and it was over some snowplowing  
23 and gaining access to a parking lot, and after my  
24 review with the City Attorney, I made a decision  
25 the City was not going to get involved in the

1 conflict. The City Council member became highly  
2 irate and at that point in time decided that I  
3 needed to leave.

4 Q Was there any -- anything you learned about your  
5 experience in Swartz Creek in regard to  
6 communication issues within your staff at City  
7 Hall and yourself in regard to I wish I could do  
8 this differently and so in the future I'm going  
9 to do this differently?

10 A You know, again, I do not believe that -- I think  
11 if you talk to people here, I'm a very open  
12 communicator. I think there are certain things I  
13 can't talk about for legal reasons or because  
14 there's policy things that are being generated  
15 that it's not appropriate to at the time, but I  
16 have a very open leadership style, and I don't  
17 think that the communications there was the  
18 issue. I think that was a red herring that went  
19 out for the press to justify what some of the  
20 City Council members wanted to do.

21 Q The issue, as you see it, as I understand it, is  
22 Betty Shannon didn't like being put to task so  
23 she found ways to get rid of you?

24 A That's correct. Well, that's part of it. The  
25 other part is the one City Council member who

1           wanted me to force an adjacent property owner to  
2           allow access to her boss' parking lot.

3           Q     I'm going to show you what's been marked as  
4           Exhibit 23. Can you identify Exhibit 23 for the  
5           record?

6           A     Uhm-hum. Uhm-hum.

7           Q     What is it?

8           A     Oh, this is a memorandum that I sent to the town  
9           employees on November 30th (sic), 2009 indicating  
10          that I expected the personnel policy to be  
11          followed in handling grievances in the workplace.

12          Q     Okay. This memo, November 13th, 2009 regarding  
13          handling grievances within the workplace, what  
14          was the issue that came up at that time that  
15          required you to write this particular memo?

16          A     You know, to be frankly honest, I can't remember  
17          the specific instance. Let me think a minute.

18                         I can't think of any specific instance.  
19          I think in general there was some commotion and I  
20          wanted -- amongst the employees in the police  
21          department, and I think I wanted to indicate to  
22          them they needed to follow the process as  
23          outlined in the personnel policy handling this.

24          Q     In here it looks like that some employees had  
25          violated the policy of the town to take

1           grievances up their chain of command by going  
2           directly to Board members you know, Town Board  
3           members. Is that what was going on here and you  
4           wanted to make sure that that stopped?

5       A     I have no specific recollection of that  
6           occurring.

7       Q     How is it that you got information that certain  
8           employees were going directly to Town Board  
9           members before going through their chain of  
10          command to make complaints?

11      A     Again at that time I have no -- I have no  
12          recollection of any specific occurrence.

13      Q     Sounds an awful lot like what Betty Shannon was  
14          doing in Swartz Creek, though, right? Going,  
15          instead of up her chain of command to somebody --  
16          Is that correct?

17      A     I think that, yeah, I generally have a concern  
18          about employees playing politics, yes.

19      Q     Did you try to speak to any of the employees  
20          involved with -- who were going to these Town  
21          Board members as opposed to up their chain of  
22          command with grievances?

23      A     I have no specific knowledge of any individual  
24          doing that. So the answer would be no.

25      Q     At that time did you have any inkling that these



1 employees were doing that because of fear of  
2 retaliation by their supervisors in chain of  
3 command?

4 A No.

5 Q Was there any thought on your part of a hostile  
6 work environment somewhere in the Town of Beloit?

7 A No.

8 Q As a Town Administrator, what does your job  
9 responsibility entail exactly?

10 A Being in a small community, I have the general  
11 management responsibilities of planning to  
12 organize and directing staffing, coordinating,  
13 resourcing of town activities. I also serve as  
14 the Zoning Administrator for the Town of Beloit  
15 and the Personnel Manager among other hats.

16 Q As part of that responsibility, you indicated you  
17 were Personnel Manager; is that right?

18 A That's correct.

19 Q And as part of that, what efforts, as the Town of  
20 Beloit Personnel Manager, did you take to prevent  
21 a hostile work environment from being created  
22 within one of the Town's various departments?

23 A First off, I knew of no hostile work environment  
24 in any of the departments of the Town of Beloit.

25 No. 2, generally we establish policies

1 in the town. When I got here, we established a  
2 personnel policy and established processes where  
3 employees could raise issues not only with me  
4 directly but taking them directly to the Town  
5 Board if they had a concern.

6 I administered our union contracts,  
7 which has a grievance process in it to identify.  
8 I also have as a general process -- general  
9 management style of kind of walking around among  
10 the different departments and trying to get a  
11 feel for how the activities are.

12 We have established in the Town of  
13 Beloit some personnel recognition policies.  
14 Also, during the last few years we have  
15 established employees -- employee activities to  
16 try to develop morale.

17 We did a town trap shooting team. We've  
18 had picnics and potlucks. You know, I think it's  
19 both in management programs and processes and  
20 it's also trying to establish relationships with  
21 employees.

22 Q You mentioned that as part of your policy and  
23 processes in regard to hostile work environments  
24 that complaints could be taken directly to Town  
25 Board members if there was a concern of

1           retaliation.

2           A     No, that's not true.

3           Q     Did -- I caught that wrong then when you  
4           testified.

5           A     Yes.

6           Q     What did you mean by taking complaints directly  
7           to the town board?

8           A     Our personnel policy is very clear that any  
9           complaints you have, you take to your department  
10          head. If you don't feel the department head  
11          resolves those complaints adequately, they can  
12          bring those complaints to me. And if they feel  
13          that I do not handle the complaint adequately,  
14          they can provide written complaint to the Town  
15          Clerk who will present those to the Town Board.

16          Q     Do you know whether or not any of these  
17          complaints that you're referring to in Exhibit 23  
18          were items that were presented from the Town  
19          Clerk to the Town Board members?

20          A     May I see Exhibit 23?

21          Q     It's right here.

22          A     This one?

23                         MR. ZALEWSKI: This one here.

24                         THE WITNESS: No.

25   BY MR. RETTKO:

1 Q At that point when you heard that complaints were  
2 going directly to Town Board members, did you  
3 ever sit back and think maybe I should  
4 investigate this to see if there's a hostile work  
5 environment somewhere?

6 A I've never heard any complaints going directly to  
7 the Town Board.

8 Q And what is it that you referred to in  
9 Exhibit 23?

10 A I think what I tried to do with that memo is to  
11 reinforce to the town employees that there is a  
12 process for dealing with these complaints and  
13 that they should follow it. I do not believe  
14 this memo was directed at any specific individual  
15 or because of any specific occurrence.

16 Q But yet there must have been some complaint or  
17 something happening that caused you to sit down  
18 and make that memo on November 13, 2009, right?

19 A By the end of -- Well, during 2009 I received  
20 numerous complaints through the collective  
21 bargaining process, the grievances, and those  
22 were all investigated. I had received other  
23 complaints directly from employees that were  
24 investigated. So there was this general activity  
25 going on and I think I was just reinforcing the

1 process.

2 Q So you had had complaints by the time that memo  
3 was dictated on November 13th, 2009 of a hostile  
4 work environment in the police department,  
5 correct?

6 A I do not believe I ever received a complaint on a  
7 hostile work environment. The complaints I  
8 received were regarding very specific actions  
9 that the Chief had taken and those were all  
10 investigated and handled.

11 Q Were some of those actions in regard to  
12 retaliation by the Chief?

13 A No.

14 Q So the Burkee complaint that was originally  
15 investigated in November or December 2008  
16 regarding the placing back of an incident into  
17 his personnel file after the Chief was presented  
18 a memo by Burkee and his union indicating that  
19 Burkee hadn't received in-service training and  
20 he's the only minority in the department, you  
21 don't view as retaliation?

22 A No.

23 Q Why not?

24 A Because I was personally knowledgeable of the  
25 circumstances of that case having spoken -- The

1 Chief came to me asking that -- informing me that  
2 Burkee was a finalist for a position in another  
3 police department and that since this document  
4 would be pulled out of his record in six months  
5 anyway or certainly months because of our union  
6 contract requires it be removed in six months,  
7 that if I could do it a little early in this case  
8 to assist Mr. Burkee in his quest for employment,  
9 I agreed to do it subject to it being put back  
10 into the personnel file until the six month  
11 period ended. I spoke about that personally with  
12 Mr. Burkee as well and he was aware that was  
13 happening.

14 Q So it's your testimony that when that document  
15 was placed back into Burkee's file it only  
16 remained in there for how much longer?

17 A I don't know the specific period of time. It  
18 remains in the personnel file for six months of  
19 the date it was issued.

20 Q So you're confident it's no longer in that file?

21 A I would expect that no, it is not in that file.

22 Q While you were -- When you first became employed  
23 here as the Town Administrator of the Town of  
24 Beloit, did you provide any training to any  
25 department head regarding how to identify and

1 prevent a hostile work environment?

2 A No.

3 Q When did you first learn about Officer Burkee's  
4 complaint that Chief Wilson had retaliated  
5 against him for raising an issue of racism?

6 MR. ZALEWSKI: Object to the form of  
7 that question. Go ahead and answer if you can.

8 THE WITNESS: You know, I don't remember  
9 that issue as a stand alone issue and I have no  
10 specific recollection.

11 BY MR. RETTKO:

12 Q Any prior complaints about Chief Wilson  
13 retaliating against his subordinates prior to the  
14 Burkee complaint?

15 A No. That's my recollection.

16 Q Any complaints about Chief Wilson using racial  
17 slurs before you heard about the Burkee  
18 complaint?

19 A No. I know of -- Let me clarify. I know of no  
20 complaint or do I have any knowledge of the Chief  
21 using racial insensitive language prior to the  
22 complaint filed by the union.

23 Q Going back to the Burkee complaint, how is it  
24 that you originally learned about the Burkee  
25 complaint in November or December 2008?

1       A     I -- My memory -- And it may be confused given  
2             the time. My memory is, is that it was handed to  
3             me by Officer Luzinski, who at the time was an  
4             officer of the union.

5       Q     When you received that complaint from Officer  
6             Luzinski, what did you do about it?

7       A     I had Officer Burkee come into my office and I  
8             discussed it with him.

9       Q     Do you have recollection of what it was you  
10            discussed with Burkee?

11      A     Yes, I do.

12      Q     What was that?

13      A     I asked Officer Burkee, you know, what happened  
14            here. He explained to me what I already knew,  
15            that he had -- he was looking to get an  
16            appointment in another community, that the Chief  
17            had decided not to give him the training that was  
18            required if he was going to leave and go to  
19            another community, that somehow once he  
20            determined he was not going to get that job,  
21            there was some slipup and he wasn't scheduled for  
22            the training. I asked him if he felt that he  
23            thought he was being treated differently because  
24            of race. He said no. He informed me that he had  
25            not filed any complaint with the union and he



1 informed me that he thought that the complaint  
2 had been filed by Officer Luzinski without his  
3 knowledge.

4 Q When you learned of that information, did you go  
5 have a meeting with Chief Wilson?

6 A I had a discussion with Chief Wilson over the  
7 issue.

8 Q What did you explain to him?

9 A My instructions were to get him scheduled for the  
10 training.

11 Q Did you explain to Chief Wilson who was behind  
12 writing the memo?

13 A I don't have any specific recollection, but I  
14 expect that I would have informed him that --  
15 what Burkee informed me.

16 Q Now, did you do any kind of an investigation into  
17 this allegation other than talking with  
18 Mr. Burkee?

19 A No.

20 Q Did you interview Willie Abegglen?

21 A I don't remember doing so, no.

22 Q What did you conclude when you completed that  
23 investigation?

24 A I concluded that there had been a mistake made in  
25 not scheduling Burkee for training. Once we

1 realized that he was not going to be leaving the  
2 department, I thought it was inadvertent and just  
3 a clerical error. I believe that Officer  
4 Luzinski was trying to use that clerical error as  
5 leverage against the Chief and the department.

6 Q And what made you come to the conclusion that  
7 Luzinski was using this as leverage against the  
8 Chief?

9 A I think at the time we were being inundated with  
10 grievances and I felt that that was just a, kind  
11 of a typical union tactic.

12 Q Did you have a meeting with Luzinski to discuss  
13 that?

14 A No, I did not.

15 Q Did you meet with anyone in the union to discuss  
16 that belief?

17 A No, I did not.

18 Q Why not?

19 A I didn't I expect because it was just part of  
20 what was going on at the time, and we had any  
21 number of grievances being filed by the union and  
22 I did not take that as an unusual circumstance.

23 Q Did you meet with Chief Wilson to discuss your  
24 belief that Luzinski was using this as leverage?

25 A I have no specific recollection, but I expect I

1           would have passed that information on to him.

2           Q     Why would you have done that?

3           A     I think it's a matter of communication back and  
4                forth with the Chief and what was happening in  
5                the department. Finding something that was  
6                happening in the department, I would share that  
7                information with him as I would with any other  
8                department head.

9           Q     And what purpose would that have served to Chief  
10               Wilson to have known that?

11          A     I think so he was aware of what the activities  
12                were of the union in his department.

13          Q     How would that have helped him be a better  
14                administrator?

15          A     I think it would help him by being aware that,  
16                what, just generally what is happening. He has a  
17                responsibility to be aware of everything that  
18                goes on in his department.

19          Q     If he knew it or not, what difference would that  
20                make in how he could administrate his department,  
21                to your understanding?

22          A     I don't know if there was any specific benefit.  
23                It was more of a general.

24          Q     Going back to Exhibit 3, have you ever seen that  
25                document before?

1       A     Actually, I have no recollection of this  
2             document. That doesn't mean that I didn't see  
3             it, but I have no recollection of it.

4       Q     Looking at Exhibit 4, it looks like it's part of  
5             Alan Levy's report. He's got a document that's  
6             marked -- it's not the same as Exhibit 3, but  
7             it's a memo to you from the police union,  
8             correct?

9       A     Correct.

10      Q     And attached to that is a list of racial slurs  
11             used in the department or in front of other  
12             officers, correct?

13      A     Yes.

14      Q     And that was what you received from the union?

15      A     Yes, it is.

16      Q     And that's what you asked Attorney Levy to  
17             conduct an investigation on, correct?

18      A     Correct.

19      Q     When was the first time that you would have  
20             gotten that complaint, do you recall, that's  
21             attached to Exhibit 4?

22      A     The exact date I don't know. I'm assuming it was  
23             either on the 12th of December '08 or shortly  
24             thereafter.

25      Q     When you got that memo with the attached

1           complaints, did you have any conversation with  
2           Chief Wilson about the union's allegations before  
3           you got in touch with Attorney Levy?

4       A     No.

5       Q     Did you have any conversations with Chief Wilson  
6           about the union's allegations before the Levy  
7           investigation and report was produced?

8       A     Specifically on this complaint on racial slurs?

9       Q     Right.

10      A     No.

11      Q     Did you talk to Chief Wilson about the union's  
12           efforts to gain leverage against him based on a  
13           recent complaint filed as of December 12th, 2008?

14      A     No.

15      Q     Why was it that you hired Attorney Levy to  
16           conduct this investigation?

17      A     Because I felt that the allegations made were  
18           severe and could result in disciplinary action  
19           including possible termination, so I sought both  
20           his legal guidance as the labor attorney  
21           representing the Town and I requested that he  
22           personally conduct the investigation on the  
23           allegations.

24      Q     When you say possible termination, what level of  
25           racial slurs would it take in your mind before an

1 administrator or Chief of Police would possibly  
2 be terminated going into the investigation? What  
3 was your thought on that?

4 A There were -- I would say there are two items.  
5 There was the legal side of it and there was the  
6 emotional side of it. Emotionally I was highly  
7 perturbed at the Chief in doing this and I was  
8 concerned that it did not allow my emotions to  
9 run away with my judgment and my responsibilities  
10 to the community.

11 Legally I'm not returning. I do know  
12 that people have been terminated from employment  
13 for the use of racial slurs, but I needed the  
14 Town's attorney's judgment and recommendation on  
15 it.

16 Q Did you meet with the union at all before  
17 contacting Attorney Levy to get any clarification  
18 on this complaint or to find out exactly anything  
19 more specific?

20 A No. I felt that the subject matter of the  
21 complaint was severe and needed immediate action.  
22 I believe that the same day, probably within a  
23 few hours of my receiving the complaint, that I  
24 had turned this over to Al Levy and asked for him  
25 to conduct the investigation.

1 Q What kind of conversation did you have with Al  
2 Levy when you turned this document over to him  
3 and asked for the investigation?

4 A I wanted a full, complete and impartial  
5 investigation, and I wanted his opinion on what  
6 the appropriate disciplinary action would be.  
7 And at that time I was fairly upset with John and  
8 I told Al -- I used the words keep me straight.

9 Q Did you have any help or part in Al's conducting  
10 this particular investigation, in other words,  
11 arranging for times when officers were going to  
12 be interviewed or anything?

13 A No, I don't believe so. My policy is to stay  
14 hands off the investigations.

15 Q So everything conducted in the investigation  
16 would have been done at Al Levy's discretion?

17 A He may have called me up and asked me to -- you  
18 know, to arrange a meeting with the Chief or  
19 something, I don't remember. But it would have  
20 been at his request of anything I did.

21 Q During the course of this investigation, did you  
22 have any conversations with Al Levy in regard to  
23 what it was that he was finding out?

24 A I don't -- I don't ask questions until the report  
25 is in my hands.

1 Q Now Exhibit 4, the report, is dated January 2nd,  
2 2009, the front page of it?

3 A Okay.

4 Q Did you get an opportunity to meet with Al Levy  
5 when that report was completed?

6 A My memory of the delivery of the report is not  
7 real clear. It may have been in a discussion on  
8 the phone, he may have E-mailed it to me and  
9 talked to me on the phone when it was completed,  
10 or there's a possibility he may have been coming  
11 in as part of a union negotiation at the time he  
12 handed it to me when he was here for that. I  
13 would not have brought him down specifically to  
14 talk to him about it, so -- I can't remember.

15 Q Do you have any recollection of whether he wanted  
16 to talk to Chief Wilson about his report prior to  
17 January 2nd, 2009 and called you to have you  
18 arrange for that meeting?

19 A No.

20 Q Do you have any recollection of any meeting you  
21 may have had with you, Chief Wilson and Al Levy  
22 regarding his investigation?

23 A No.

24 Q Are you aware of any meeting that Al Levy had  
25 with Chief Wilson regarding the results of his



1 investigation that's been marked as Exhibit

2 No. 4?

3 A I have -- Only because it's been brought up a few  
4 times that I know that Al Levy went to the police  
5 department to conduct his interviews. I'm  
6 assuming that he talked to the Chief at that  
7 time. For what purposes, I don't know. I did  
8 not ask Al the specifics of his investigation or  
9 how he went about it.

10 Q Now, you're aware of the fact that in review of  
11 Exhibit 4 that Mary Abegglen would have testified  
12 in that investigation, right?

13 A Correct.

14 Q Were you aware of exactly what it was she would  
15 have shared with Attorney Levy?

16 A Only what's in the report.

17 Q And when did you first learn about what Mary's  
18 testimony to him would have been?

19 A When I received the report.

20 Q Did you have any discussion with Chief Wilson  
21 about Mary Abegglen's testimony in this  
22 particular matter?

23 A I don't remember discussing any -- anything, any  
24 testimony following the report with the Chief at  
25 any time.

1 Q Do you have any recollection of providing a copy  
2 of the report that's been marked as Exhibit 4 to  
3 Chief Wilson?

4 A I would have -- Once the report was completed, I  
5 would have forwarded a copy to the Chief. I  
6 don't remember the exact details of that, but  
7 that would have been routine.

8 Q In January of 2009?

9 A As soon -- Yes.

10 Q Now, in that report Mary Abegglen's confirming  
11 that Chief Wilson said nigger and she had told  
12 him that he was -- that she was offended by that  
13 word, his use of that word. Do you remember  
14 reading that?

15 A No. But if it's contained in the report, I would  
16 not dispute it.

17 Q Now, going to page 653, the Bates stamp in the  
18 lower right corner, there's a list A to E  
19 paragraphs A to E?

20 A Correct.

21 Q It identifies that officers feared retaliation  
22 for testifying in this matter; do you see that?

23 A Yes.

24 Q Did you take any steps to find out why that fear  
25 existed?

1 A No. But I did tell the Chief that there would be  
2 no retaliation for it.

3 Q Is there any reason why you didn't want to -- or  
4 why you didn't explore that issue further as to  
5 finding out why these officers would tell Al Levy  
6 they feared retaliation for testifying?

7 A No.

8 Q Why not?

9 A I don't think that it -- the issue was raised to  
10 a point that it was actionable.

11 Q Didn't they cause you any concern at all to hear  
12 that there were officers who were testifying to  
13 an attorney under oath that they feared  
14 retaliation?

15 A I -- I would say that I was concerned that there  
16 was conflict between the Chief and members of the  
17 department, that I felt an obligation to make  
18 sure that things were done fairly in the  
19 department. Like I said, at that time we were --  
20 the union had provided a number of grievances and  
21 I made sure that each of the grievances was dealt  
22 with, the merits of the complaint. You know, a  
23 general statement may raise a concern, but it's  
24 not something you can take action on. You need  
25 something specific. You need a specific

1 complaint about a specific occurrence to take  
2 action on.

3 Q Were there any other steps that you took to make  
4 sure things were done fairly in the department  
5 that you haven't mentioned otherwise in regard to  
6 handling of grievances or this investigation?

7 A I think throughout that period of time I stayed  
8 actively involved with the department in  
9 observing what was occurring in the  
10 administration of the employees.

11 Q How did you do that?

12 A I stayed in numerous conversations with the  
13 Chief. My own walk-through of the building to  
14 try to get a feel for what was going on in the  
15 department. Like I said, each and every  
16 grievance that came forward was reviewed and  
17 investigated. I brought in people from outside  
18 the department and outside the Town to conduct  
19 the investigations to make sure there was  
20 fairness. I think this was an issue where you  
21 had people on both sides drawing lines and  
22 pointing fingers at each other in which case you  
23 investigate the facts as they occur.

24 Q When you say you did walk-throughs of the police  
25 department, when did you begin doing those

1 walk-throughs and how often would you do them?

2 A I tried to get to each department once a week.

3 Q When you say walk-through, is that just a -- 15,  
4 20 minutes there or are you there half a day, all  
5 day?

6 A No shorter than that. Just a walk through to see  
7 how people -- look them in the eyes and see how  
8 people are reacting with each other, see how  
9 people are relating to each other. I think every  
10 police officer in the department knew me by name.  
11 This was not an issue where they could not have  
12 come to me in the hallway, and they did at times,  
13 come into the hallway, or on the street, or stop  
14 by my office. I had a very open door policy.

15 Q How often did you meet with Chief Wilson?

16 A At that time probably a couple of times a week.

17 Q Generally how long did your meetings last with  
18 him?

19 A Oh, 10 minutes, something like that.

20 Q And generally at those meetings, what would be  
21 discussed?

22 A Generally they were tied to what was going on in  
23 the Town at the time, what the Board's  
24 expectations were, if there were concerns being  
25 raised by the public or by a board member, on the

1 police department or the police department  
2 activities, the Chief would bring up things that  
3 were of interest to him.

4 Q When did you sit down and first have a chat with  
5 Chief Wilson about the report that's been marked  
6 as Exhibit 4?

7 A I think probably the same day after I had  
8 informed Al to go ahead with the investigation, I  
9 informed the Chief that a complaint had been  
10 made, that Al was going to do the investigation,  
11 that I expected his full cooperation. And then I  
12 asked him if there was reason to believe that  
13 these allegations were true.

14 Q What did he say?

15 A He said that he had made those comments.

16 Q Did you make any comments to him at that time?

17 A I don't remember the exact words, but I think I  
18 said I was disappointed.

19 Q Now, in regard to the report that's marked as  
20 Exhibit 4, you provided that report to Chief  
21 Wilson sometime in January 2009. Did you sit  
22 down and discuss it with him at that point? Did  
23 you talk about it?

24 A We did have a discussion on the events, yes, and  
25 he gave me his side of it.

1 Q What did you tell him upon learning his side of  
2 the events?

3 A Again, I can't remember the exact wordings, but  
4 I -- I -- I told him that there was no  
5 justification for the use of that language and it  
6 was unacceptable.

7 Q I'm going to show you what's been marked as  
8 Exhibit 5, can you identify that document?

9 A That's the letter of admonishment that I gave  
10 Chief John Wilson as a result of the  
11 investigation.

12 Q And that's dated January 5th, 2009?

13 A Correct.

14 Q How did you arrive at that decision, the letter  
15 of admonishment as to discipline?

16 A That was recommendation from our, the Town's  
17 labor attorney, Al Levy.

18 Q Did you require any counseling or training with  
19 Chief Wilson at that time?

20 A I did require that he attend sensitivity  
21 training.

22 Q Is that identified in your letter of  
23 admonishment?

24 A Yes, it is. The letter requires him to attend  
25 four hours of diversity sensitivity training

1           within six months of the --

2           Q     Where was that to take place?

3           A     That took place -- It was by a counselor in the  
4           City of Chicago.

5           Q     How fast -- Or how soon were you going to require  
6           that that counseling take place?

7           A     Well, he had six months from the date of the  
8           letter. I'm not sure -- I expect -- I think it  
9           happened within a couple of months.

10          Q     And then when that confirmation came from a  
11          counselor in Chicago that he had attended four  
12          hours of sensitivity training, then what  
13          occurred?

14          A     We required that it be documented. We placed it  
15          in his personnel file.

16          Q     How come a decision was made that there would not  
17          be any days of suspension to serve on something  
18          like that?

19          A     Again, that was based on the recommendation of  
20          our -- of Al Levy, our attorney. My  
21          understanding, his thought process on that was,  
22          number 1, he reviewed the recent court cases  
23          regarding police officers in similar  
24          circumstances and that the courts had not upheld  
25          termination or any more severe disciplinary



1 action on the first occurrence. The concept  
2 being in personnel actions that you take, you  
3 know, certain steps with employees, and since  
4 this was the first complaint, that after the  
5 complaint was made he stopped the inappropriate  
6 behavior, that Al believed this was the  
7 appropriate case to take.

8 Q I'm going to show you what's been marked as  
9 Exhibit 6. Can you identify what that is?

10 A That is John's apology to the Town Board for his  
11 use of language.

12 Q And that's dated January 3rd, '09, right?

13 A That's correct.

14 Q Do you know how it was that he was able to make  
15 that memo of apology prior to you admonishing  
16 him?

17 A I think that John realized that he had stepped  
18 across the line. I think he realized that both  
19 the Board and I were upset with him over his use  
20 of language and that he was reacting to us, not  
21 Al Levy's memo in that case. Or Al Levy's report  
22 in that case.

23 Q Do you know if anyone advised him to write that  
24 letter of apology prior to your admonishment?

25 A No. I have no knowledge.

1 Q I see the report of Levy's, January 2nd, 2009,  
2 the day before Museus writes this memo. Was --  
3 Do you have knowledge of whether or not Wilson  
4 knew about Levy's investigative findings prior to  
5 his writing the letter of apology?

6 A I have no knowledge of him having any information  
7 of that before I gave him the findings.

8 Q At the time you gave Wilson that letter of  
9 admonishment, did you give it to him personally?

10 A Yes.

11 Q Did you have any conversation with him about the  
12 situation at that time? Why you were admonishing  
13 him?

14 A Again, I do not remember the exact specific  
15 conversation. I think that, like I said, I was  
16 highly perturbed with John at the time and I  
17 think that point was made to him.

18 Q At that time was there any conversation with  
19 Chief Wilson that Willis and Mary Abegglen were  
20 out to get him? Did he ever tell you that?

21 A At this time?

22 Q Yeah.

23 A No.

24 Q After that time did he ever tell you that he felt  
25 Willis and Mary Abegglen were out to get him?

1 A Yes.

2 Q When did he first raise that?

3 A The first time that I can remember was in late  
4 January.

5 Q How was it it came up at that time?

6 A It came up at that time when Officer Daphne  
7 Fisher requested to speak with me regarding what  
8 was occurring in the police department.

9 Q And what did she -- She asked to speak with you.  
10 Did you agree to meet with her?

11 A Yes, I did.

12 Q Was the Chief present when you met with her?

13 A Yes, he was.

14 Q Where did the meeting take place?

15 A This meeting took place at a restaurant in South  
16 Beloit at Daphne's request.

17 Q What did you learn at that particular time from  
18 Ms. Wilson -- or Ms. Fisher?

19 A Ms. Fisher -- What Officer Fisher informed me is  
20 that she had been at some union meetings where  
21 there was collusion to get rid of the Chief and  
22 to place certain members of the police department  
23 in leadership roles within the department.

24 She informed me that she had also been  
25 in attendance at the meetings where the no

1 confidence vote was discussed and voted upon and  
2 that she had been pressured by the union to  
3 make -- the members of the union to vote for the  
4 no confidence and that they had threatened her  
5 that they would not support her on the street  
6 unless she fell in line.

7 Q Was that her word that there was collusion going  
8 on to get rid of the Chief or is that your  
9 conclusion?

10 A That's my word, but -- That's my wording for what  
11 she stated.

12 Q What did she state, do you recall?

13 A She stated that there was discussions amongst the  
14 officers that they would get rid of John by  
15 filing the charges for his use of racial language  
16 because a police officer once before had been  
17 brought up on charges and fired for that purpose,  
18 that they would use the vote of no confidence  
19 that would work against him, that at the time the  
20 discussions were held, and this was over a series  
21 of meetings, I understand, that Willis Abegglen  
22 then would become the Acting Chief, that  
23 Dransfield would become the Deputy Chief and  
24 Luzinski would be moved into the position of  
25 Sergeant.

1 Q So, as I understand it, Fisher's relaying to you  
2 and Wilson in January 2009 something that had  
3 already occurred in December of 2008?

4 A She informed me that, yes -- that these were,  
5 some of it was past meetings. She was  
6 concerned -- that Officer Winiarski had come to  
7 her, she worked the late night shift and driven  
8 up his squad car next to her and said that no one  
9 had her back, so-to-speak, and that if -- she was  
10 concerned for her own personal safety on the  
11 street.

12 Q So the charges that were filed in December 2008  
13 you learned in January, late January 2009 were an  
14 effort by the union to get rid of the Chief?

15 A That's correct.

16 Q And that was already investigated and you already  
17 did whatever punishment you were going to do,  
18 right?

19 A That's correct.

20 Q And somehow in the conversation you had found out  
21 that the union had decided that if they got rid  
22 of Wilson, Abegglen would become Chief?

23 A There was discussions to that, yes.

24 Q And how was it that you came to the conclusion  
25 that both Mary and Willis were out to get Chief

1 Wilson?

2 A Well, at that point in time I don't -- You know,  
3 Mary's role in it -- Yes, I do. It was because  
4 Daphne Fisher specifically said that -- and this  
5 is my terms, not Daphne's, but my recollection is  
6 Mary browbeat her into signing the -- I can't  
7 remember if it was either the complaint on the  
8 use of sexual language or the vote of no  
9 confidence. So at that time it was evident to me  
10 that Mary was actively involved in this.

11 Q Is Mary in the same union as the police officers?

12 A She was at that time, yes.

13 Q And Willis is not part of that union?

14 A No, he is not.

15 Q I'm going to show you what's been marked as  
16 Exhibit 7. The date of that article is  
17 January 3rd -- or February 3rd, I believe,  
18 February 3rd, 2009 from the BDN Connection. It's  
19 a news article, No confidence in chief. Township  
20 officers adopt vote against Wilson. Do you see  
21 that?

22 A Yes.

23 Q Do you recall seeing this article in the paper in  
24 or around February of 2009?

25 A I have a recollection, yes.

1 Q Did you take any action upon seeing this article  
2 in the paper?

3 A No.

4 Q Now, I see in the, about half -- about a quarter  
5 of the way down it says Town Administrator,  
6 Robert Museus, said Monday, Wilson is still  
7 working for the department, but wouldn't say much  
8 else. And then this is within quotes. The  
9 complaint has been investigated. The decision  
10 has been made and implemented, Museus said, again  
11 within quotes. I'm bound by the Freedom of  
12 Information Act on this. I'm really not free to  
13 talk about it. Do you see that?

14 A Yes.

15 Q Why did you believe the Freedom of Information  
16 Act prevented you from talking about this?

17 A Because the advice I had received from our  
18 attorney at the time was that the investigation  
19 on the Chief, which I believe at that time was  
20 subject to a Freedom of Information Act request,  
21 that I shouldn't talk about it till we've gone  
22 through the due process and actually released the  
23 report.

24 Q Now, prior to that article on February 3rd, 2009,  
25 you had met with Daphne Fisher and Chief Wilson,

1 right?

2 A Yes. Well, late -- Yes. It would have been  
3 prior to this meeting.

4 Q And you had also gotten a request from Sergeant  
5 Dransfield requesting to get overtime if Sergeant  
6 Felger was getting overtime for the same  
7 situation, right?

8 A I don't remember the exact date of that request,  
9 but I do remember that request, yes.

10 Q And you met with Wilson about Sergeant  
11 Dransfield's request for overtime and Felger  
12 getting overtime, or allegations that Felger was  
13 getting overtime, right?

14 A I did discuss those with the Chief, yes.

15 Q Do you have a recollection exactly when that  
16 might have occurred?

17 A No, I do not.

18 Q When you met with Chief Wilson in regard to the  
19 overtime issue, what did you learn?

20 A Which overtime issue?

21 Q Regarding Dransfield's request and Felger's  
22 allegations, Felger's getting overtime?

23 A Well, I think those are two separate issues.  
24 First off, when the complaint was made about  
25 Officer Felger receiving and requesting overtime



1           inappropriately, I had an investigation made.  
2           When that was completed, we did some adjustments.  
3           If I'm right, we did some adjustments on his  
4           payroll and tightened up some of our personnel  
5           practices.

6                     The issues with Sergeant Felger's  
7           overtime I think, if my memory serves me right,  
8           fell in two categories. One, he made some  
9           remarks to people about overtime which were  
10          inappropriate, and I'm not sure exactly what the  
11          problem was at the end of it, but they were  
12          probably stupid comments.

13                    In actually investigating the timecards  
14          I would say that he was being aggressive in his  
15          claims for overtime but not clearly across any  
16          specific line. And, in fact, some of the  
17          overtime that he was denied, I probably  
18          personally would have approved payment on it if  
19          it would have been my decision. So I felt that  
20          that was an issue of management, administration  
21          of the department that we needed to make sure  
22          that the officers knew where the lines were, make  
23          sure the lines were clear and then have the  
24          timecards reviewed and approved by the Chief  
25          prior to going to the personnel for payment.

1 Q Did you tell Chief Wilson you were going to do  
2 anything about Felger making this request  
3 directly to you as opposed to going up his chain  
4 of command?

5 A In which -- I'm not sure -- Felger's request?

6 Q Actually Sergeant Dransfield. Did you tell  
7 Wilson that as a result of Dransfield making this  
8 request for overtime directly to you and pointing  
9 out Felger's use, alleged receipt of overtime,  
10 did you -- without first taking that up his chain  
11 of command, did you tell Wilson you were going to  
12 do anything about that?

13 A No.

14 Q Why not?

15 A I would not have found that amiss. As I said,  
16 police officers often came in my office with  
17 issues. You know, I dealt with -- Like I said, I  
18 dealt with the issue with Sergeant Felger  
19 directly and I dealt with the issue with Sergeant  
20 Dransfield directly.

21 Q Did you ever tell Chief Wilson in dealing with  
22 the Sergeant Dransfield issue that you were going  
23 to take care of this once and for all?

24 A No, I did not. I don't even know what that  
25 statement would mean.

1 Q Around that same time the end of January, did you  
2 ask Chief Wilson for Mary Abegglen's job  
3 description?

4 A I probably did, yes.

5 Q Why?

6 A As a result of Daphne Fisher's testimony, the  
7 Board authorized me to go ahead and start making  
8 some changes to the police department, some other  
9 departments of the town that I had been  
10 requesting for some time and that included  
11 revising job descriptions, and that starts with  
12 having the old documents in your hands.

13 Q You said Daphne Fisher's testimony. It wasn't  
14 testimony, it was a conversation, right?

15 A That's correct.

16 Q Did you do anything to verify whether Daphne  
17 Fisher's conversation with you and Chief Wilson  
18 was verifiable or did you just take her at her  
19 word?

20 A No, but Officer Fisher's conversation reinforced  
21 other information that I had been given by the  
22 parties.

23 Q What other parties had you been getting  
24 information from?

25 A When I was first appointed the position, there

1           was -- the previous Chief of Police was heading  
2           out the door. He had resigned under duress. The  
3           Town Board Chairman at the time was Cos Daguanno  
4           and he came in and spoke to me, who had already  
5           served for many years as the Clerk Assessor for  
6           the Town of Beloit, and came to me and informed  
7           me that he thought that Tilly was being run out  
8           by Mary Abegglen and Willie Abegglen and some of  
9           the department members.

10                       He had informed me at that time that the  
11           same thing had happened to the previous Chief of  
12           Police, Leroy Drost, I believe is the name, and  
13           that he was concerned about it but there wasn't  
14           much they could do right now because Tilley had  
15           already resigned. That information and some  
16           conversations with some other board members,  
17           including the current Town Board chairman, seemed  
18           to be pretty common knowledge.

19       Q     That was Greg Groves?

20       A     Greg Groves, correct.

21       Q     I show you what's been marked as Exhibit 8.  
22           That's a news -- Gazette Xtra article, Town of  
23           Beloit investigates racial slurs --

24       A     Uhm-hum.

25       Q     -- dated February 10, 2009. They're talking

1 about a conversation they had with you about  
2 complaints filed against, by the police union  
3 against Chief John Wilson which you indicate were  
4 politically motivated, and then you're within  
5 quotes, the third paragraph down, the union has  
6 taken a shot at John, Museus said this morning,  
7 do you see that?

8 A Yes, I do.

9 Q Why didn't you at that point in time declare the  
10 Freedom of Information Act and stay silent on the  
11 issue?

12 A Well, I don't think this is related to the  
13 Freedom of Information Act at all. I think that  
14 the Freedom of Information Act is regarding  
15 documents and that until the document is  
16 released, I wasn't free to talk about it. This  
17 has to do with the fact that there was a  
18 complaint made and an investigation being made,  
19 and the fact that the union was taking a shot at  
20 John doesn't alleviate John from the  
21 responsibility for using the racial slurs. I  
22 think they're two separate issues.

23 Q So by this time, the media had received a copy of  
24 Levy's report is what you're saying for the  
25 Freedom of Information Act not to apply?

1 A No.

2 Q Well, otherwise you couldn't talk about any  
3 investigation or results of investigations if  
4 they didn't have a report, right?

5 A Yeah.

6 Q Am I right about that?

7 A No, it says -- Yeah. At this point within the  
8 article, February 10th, it states the Janesville  
9 Gazette had a copy of the investigation through  
10 the open records law.

11 Q And at that point you also knew the union's  
12 allegations were proven to be true in regard to  
13 Wilson's use of racial slurs in the department,  
14 right?

15 A Correct.

16 Q In fact, Wilson, you knew Wilson had admitted to  
17 making racial slurs within the department, right?

18 A Correct.

19 Q In fact, you admonished him for that, correct?

20 A That's right.

21 Q So how did you conclude for the paper's purposes  
22 the union was taking a shot at him when the  
23 allegations were proven to be true?

24 A Well, I think that you can use truth against  
25 somebody. It's motivation that's the issue here,

1           and by this time I had already been informed by  
2           Daphne Fisher that the union had intended to use  
3           this investigation as a means of removing the  
4           Chief from his position, so I was already aware  
5           of that.

6           Q     But at this point the newspaper's trying to  
7                 report whether or not they have a Police Chief  
8                 using racial slurs which was proven to be true,  
9                 right?

10          A     And I believe it says that.

11          Q     So why are you trying to relay the union's motive  
12                 when, in fact, they're asking about the facts?

13          A     I think --

14                     MR. ZALEWSKI: I'm going to object to  
15                     form. I think this whole article refers to that  
16                     no confidence report, not the disciplinary  
17                     report. It starts off that way in the first  
18                     paragraph.

19   BY MR. RETTKO:

20          Q     You can answer.

21          A     I think that when you're dealing with politics,  
22                 motive matters.

23          Q     And you were going to make sure that the public  
24                 knew the union had a motive here, right?

25          A     That's correct.

1 Q And why did you want the public to understand  
2 that?

3 A Because I think that the public needed to be  
4 aware of what was actually happening.

5 Q In addition to having a Police Chief that used  
6 racial slurs they needed to know the union didn't  
7 like the chief, right?

8 A Correct.

9 Q Why did you want to make sure the public knew  
10 both those items?

11 A You know, I can't -- I cannot remember exactly my  
12 motivation at that point in time, but I think I  
13 was speaking what I believed, and I can't  
14 remember exactly the way the question, whatever  
15 question the reporter asked me how that was  
16 phrased. I responded to the reporter and to her  
17 request. You know, how she places it in the  
18 article is something else again.

19 Q When you made your comments to that particular  
20 reporter, did you know that they had already  
21 obtained a copy of the Levy report?

22 A Yes. I would have known that.

23 Q Now, in that particular article, it goes on to  
24 say that -- you mention about three-fourths of  
25 the way down, it says, the Town will not, within



1           quotes, surrender, quotes, management rights to  
2           the union, he said. That's -- He said it refers  
3           to something you said. Why would you tell the  
4           newspaper that the Town will not surrender  
5           management rights to the union?

6        A     Again, I cannot remember the question that the  
7           reporter asked me. It would have been -- It  
8           would have been a direct response to a question  
9           that this reporter asked me.

10       Q     Now, in here you indicate that Wilson is quite  
11           contrite, within quotes, and has apologized to  
12           the Town Board as Museus said. Wilson has been  
13           reprimanded in writing and required to take  
14           counseling or a sensitivity program according to  
15           the report, right?

16       A     Correct.

17       Q     Up to that point had Wilson completed his  
18           sensitivity training?

19       A     I don't believe so.

20       Q     Was there an issue about the amount of punishment  
21           that Wilson received? Is that what I'm gathering  
22           in reading this report, that the reporter may be  
23           questioning why only a written reprimand?

24       A     I have no knowledge about the reporter's  
25           motivation. I do not remember the conversation

1           being --

2           Q     Do you have any recollection of anyone in the  
3                 public being upset with finding Wilson had been  
4                 using racial slurs was proven to be true and all  
5                 he got was a written reprimand and sensitivity  
6                 training?

7           A     I have heard members of the public state that  
8                 they thought it was too light a punishment.

9           Q     Did you catch any heat about that?

10          A     I would not say -- No. There are people who  
11                 disagreed with that decision, yes, but there was  
12                 never any pressure to reverse it.

13          Q     Other than the admonishment in requiring Wilson  
14                 to go to counseling or sensitivity training, did  
15                 you take any other actions to assure there was --  
16                 there wasn't a hostile work environment going on  
17                 in the police department?

18          A     I would say that the -- that there was a very bad  
19                 environment in the police department, but to  
20                 state that it was totally the Chief's fault would  
21                 be false, that there was dissension in the  
22                 department. I have never been totally clear on  
23                 where it -- what started it, but in my belief  
24                 that this was not an issue of the Chief creating  
25                 a hostile and offensive work environment in the

1 department, that's the end of it. I think that  
2 this has to do with interaction of people, and  
3 there was just as much activity on the part of  
4 the union and the people who opposed the Chief to  
5 create a hostile work environment.

6 In fact, I think that's the majority of  
7 what the problem was. When I have officers  
8 coming to me and stating that members of the  
9 union say they will not support them on the  
10 street, I think that is a hostile work  
11 environment. When I see the officers no longer  
12 issuing citations, I think that affects the work  
13 environment, so to paint this as an issue with  
14 just the Chief creating a problem, I don't  
15 believe that's true.

16 Q So when Daphne Fisher came up and said that an  
17 officer specifically told me no one's got your  
18 back, what did you do to correct that hostile  
19 environment?

20 A I did have a discussion with the Chief on what we  
21 could possibly do with that. Since it was one  
22 person's word against another, conducting an  
23 investigation did not seem to be a reasonable  
24 course of action. Daphne was reassigned to the  
25 day shift where we can insure that whatever --

1           that she did have backup, she did have support  
2           and she was not at risk.

3           Q     I'm going to show you what's been marked as  
4           Exhibit 24. Can you identify that document for  
5           the record?

6           A     Yeah. This is the report that I provided the  
7           Town Board regarding the impact of the proposed  
8           reorganization of the Town of Beloit employees.

9           Q     And the date of this?

10          A     February 9th, 2009.

11          Q     Do you have any -- What was the need for the Town  
12          restructuring as of February 9th, 2009?

13          A     There were a number of longstanding issues in the  
14          police department and then there were some  
15          short-term issues occurring in the Fire  
16          Department that required some decisions by the  
17          Town Board on personnel, and they requested that  
18          I put that all -- instead of dealing with them  
19          individually, that they -- I put it together in a  
20          package and show them what the financial impact  
21          would be on the Town with the proposed changes.

22          Q     And I see you've got a list of about eight  
23          reasons at the top for why a restructuring would  
24          improve the efficiency and effectiveness of the  
25          Town's operations, correct?

1 A Correct.

2 Q No. 1, Improving the confidentiality of  
3 collective bargaining and personnel  
4 administration?

5 A That's correct.

6 Q What did you mean by that?

7 A One of the things that Daphne Fisher informed me,  
8 her meeting, was that during one of the union  
9 meetings she attended there was an interest  
10 expressed to get some information out of some  
11 personnel files of the Town. The Personnel Clerk  
12 at that time was a union member, though in a  
13 different bargaining unit. She said she would  
14 just go and get the information and make copies.  
15 That raised -- I already had a flag raised on  
16 that before, so I took those responsibilities  
17 away from a union member and put them in the  
18 hands of a non-union member to maintain the  
19 confidentiality of the Town's employment records.

20 Q Who was that that was going to go right to  
21 personnel files and --

22 A Lynn Caple.

23 Q And what position did she have?

24 A At that time she was serving as the Deputy  
25 Treasurer, and as part of that, though, her job

1 functions, she served as the Town's personnel  
2 clerk.

3 Q I see below, Deputy Treasurer position earning  
4 \$65,000 a year is deleted?

5 A That's correct. We redid the job classification  
6 of Deputy Treasurer when we took away the  
7 personnel functions from that position and she  
8 became the Records Billing Clerk. There was no  
9 change in pay in that position.

10 Q I don't see Records Billing Clerk on your list  
11 here. Where is that listed? I see the deletion  
12 of the Deputy Treasurer, but I don't see the  
13 addition of Deputy --

14 A I'm not sure where that --

15 Q -- of Records Clerk, Records Billing Clerk. I  
16 don't see it.

17 A You know, I don't see that.

18 Q Okay. So that was shifting 65,000 which shows a  
19 savings here, but you don't show the cost?

20 A The expense, correct. There's an error there.

21 Q So the annual budget impact's more like 5,000  
22 based on that error instead of 70, right?

23 A That's correct.

24 Q Going to step number 2 it says, Separating court  
25 duties from law enforcement; what did you mean by

1           that?

2           A     Well, when I first got there, I felt that it was  
3                inappropriate for the Clerk of Court to be  
4                working in the police department. I felt that  
5                there was a -- I think it was typically called a  
6                Second Amendment issue there. I discussed that  
7                with Judge Holland, the judge, and he agreed with  
8                me. I had talked to the board for a number of  
9                times over the years about trying to get the  
10              Clerk of Court out of the police station  
11              somewhere else. The Town Board's objections at  
12              the time were No. 2, where do we put the  
13              position, we just don't have the space, and then  
14              we have to create a new position in the police  
15              department for the clerical clerk and that would  
16              cost us more money, so they didn't want to do it.  
17              And at this point in time, then they saw the  
18              benefit of it and decided that they would go  
19              ahead and make it happen.

20          Q     You said Second Amendment issue, what would the  
21                Second Amendment issue be?

22          A     Separation of powers is the way I would term it.  
23                The court system is separate and a separate  
24                entity from law enforcement and police, and I  
25                just saw it as if somebody was coming in to pay a

1 court fine and wanted to talk to the Clerk of  
2 Court and she was sitting there with the Chief of  
3 Police, that that was -- that did not represent  
4 our court system well.

5 Q And that had been going on since the minute you  
6 arrived in town, right?

7 A And that's not just in the Town of Beloit but  
8 other communities do it the same way. I just  
9 felt it was inappropriate.

10 Q And in February 2009 you got the Board to agree  
11 to this change, why?

12 A Well, I think that it wasn't just one issue. I  
13 think you had to look at the package. We also  
14 had the issue where we had the opportunity for  
15 nepotism in the police department because we had  
16 a married couple. We had a married person  
17 supervising another married person. That is not  
18 good management and violates the Town's personnel  
19 policy, so by separating out those two people,  
20 those two married people, we can also at the same  
21 time take care of this other separation of powers  
22 issue so it fit together.

23 Q And the nepotism issue's item number 4, right,  
24 reducing the opportunity for nepotism?

25 A That's correct.



1 Q How long had Mary Abegglen been married to Will  
2 Abegglen prior to February of 2009 to your  
3 knowledge?

4 A My understanding is they got married, my memory  
5 is late 2003, 2004.

6 Q You were Town Board -- you were the Town  
7 Administrator at that time, right?

8 A Yes, I was.

9 Q Why didn't you take any action at that time to  
10 enforce the nepotism rule?

11 A I did. I took it to the Town Board and sought  
12 their guidance and input. The Town Board at that  
13 time felt that it was a new policy and they  
14 didn't want to create any waves. And, again, how  
15 are you going to fix this, this is going to cost  
16 us money, so they directed me to leave it alone  
17 at that time.

18 Q Going to number 3, it says eliminating  
19 employer-employee conflict in police department;  
20 what did you mean by that?

21 A Well, by this time we knew that there was  
22 collusion within the department to oust the Chief  
23 and to take control of the department, and this  
24 was -- by re-organizing the department we could  
25 reduce that conflict.

1 Q So you're speaking of the conflict between Wilson  
2 and Abegglen and Wilson and some other  
3 subordinates, right?

4 A That's correct.

5 Q And, in fact, this particular reorganization only  
6 affected Abegglen's position as Deputy Chief,  
7 correct?

8 A No, that's not true. There were a number of  
9 people affected by this reorganization.

10 Q Well, in regard to the police department in  
11 regard to employer-employer conflicts, right?

12 A No. Well, as far as it affecting people in the  
13 police department, it affected a number of  
14 people. It affected the -- Willis Abegglen and  
15 the reorganization of his duties, it affected  
16 Mary Abegglen and the reorganization of her  
17 duties. If memory serves me right, Kelly was  
18 also affected by it, and we also cut a position.

19 Q What position did you cut?

20 A We -- The intent was is to leave the number of  
21 personnel in the department the same and so we  
22 created a new position, a clerical position that  
23 the -- we would lose a patrolman's position.

24 Q Which patrol position did you lose?

25 A It would have been Officer Decker's, who is the

1 junior -- By union contract, the junior officer  
2 is the one that would have disappeared.

3 Q Now, Chief Wilson testified Officer Decker did  
4 not get laid off until December 2009; do you  
5 disagree with that testimony?

6 A No, I do not.

7 Q Now, I notice at the bottom here you've got  
8 Deputy Chief of Police, delete position, 82,000  
9 savings?

10 A That was the cost of the position, yes.

11 Q But you don't note in here that that person was  
12 being retained in the department and staying on  
13 at a Sergeant's salary, right?

14 A That's correct.

15 Q How much did that Sergeant's position cost?

16 A Sergeant's position saves us a few thousand  
17 dollars. It's not very much.

18 Q So in reality the annual budget impact is not  
19 really a savings of anything but it's -- without  
20 putting in the 65,000 for the Deputy Treasurer  
21 becoming Billing Clerk and without putting in the  
22 Deputy Chief being deleted but actually going to  
23 the Sergeant's position, there's no savings here,  
24 is there?

25 A No. I think that my thought process there was is

1           that we were not creating a new Sergeant's  
2           position, that the Sergeant's position would  
3           remain. It's just that under the law Sergeant  
4           Abegglen had bumping rights so he would take the  
5           Sergeant's position from someone else. The other  
6           person would become a patrol officer.

7       Q     Did that happen?

8       A     I don't think directly, no, because there were  
9           other personnel actions that happened in that  
10          process. The net result in the department was  
11          the same. During the -- During that year,  
12          Sergeant Abegglen, for example, immediately took  
13          a short-term disability for a period of some  
14          weeks. I believe we had another Sergeant out for  
15          a period of some weeks, we had other patrol  
16          officers out for worker's compensation, so  
17          instead of laying off the officer immediately, we  
18          waited till the start of the year because the  
19          department was shorthanded. Sometimes we were  
20          down three officers at a time on sick leave or  
21          worker's comp.

22       Q     Back to item 3, Eliminating employer-employee  
23          conflict in the police department. Why did that  
24          become an issue in February of 2009?

25       A     Directly because of Daphne Fisher's --

1 Q Going to number 5, Improving the segregation of  
2 financial duties. What did you mean by that?

3 A We get -- And it's true for all small  
4 communities. We don't have enough employees to  
5 segregate our financial duties to the extent that  
6 our auditor would like us to. That means they  
7 want separate financial actions done by different  
8 individuals so that no one individual has an  
9 opportunity for fraud and graft. When we did  
10 this reorganization, I included concerns for a  
11 treasurer in trying to segregate the duties we  
12 assign job duties to various positions, that we  
13 could segregate our financial duties as much as  
14 possible to reduce the opportunity for fraud and  
15 graft within the Town.

16 Q Why did that become an issue as of February of  
17 '09?

18 A It's an ongoing and consistent issue. We never  
19 look at any job that deals with the money of the  
20 Town of Beloit without considering segregation of  
21 duties, potential for graft interruption.

22 Q Number 6, Adjusting workload to better make use  
23 of employee time; what did you mean by that?

24 A At this point I can't -- I would have to give  
25 some thought to that specifically what the issues

1           were there.

2           Q     Next one, No. 7, Improving the management and  
3                 administration of Town affairs; what did you  
4                 mean?

5           A     I think the issue there was is we did have some,  
6                 what I would call -- for example, in the police  
7                 department it's been brought up in testimony, we  
8                 had some issues with overtime and personnel  
9                 issues in reporting -- I guess what we call  
10                clerical administrative functions. I thought by  
11                bringing together the clerical functioning into a  
12                new position of Administrative Assistant to the  
13                Chief of Police, those things could be approved.  
14                Also, regarding the creation of a personnel clerk  
15                for the Town and having somebody who could spend  
16                more time focused on that without having to be  
17                responsible for utility billing and accounting  
18                and other things would also benefit the town and  
19                be able to focus on what was obviously a problem.

20          Q     That's something that existed prior to February  
21                 of '09?

22          A     That's correct.

23          Q     And next item, Reducing costs; what did you mean  
24                 by that?

25          A     The Town when I did the reorganization, the Town

1 Board's direction was it should be cost control,  
2 save us money, and I think that it met that goal.

3 Q Based on what you've got explained here at the  
4 bottom of --

5 A Yes.

6 Q -- the first page of Exhibit 24?

7 A Yes.

8 Q As I listened to you testify, would it be correct  
9 to say that most all of these issues existed  
10 before February of '09, but the Board wouldn't do  
11 anything about it unless they saw there was going  
12 to be some cost savings to the changes?

13 A No. I think what the trigger was, for the Board  
14 was is when Officer Fisher came forward and  
15 stated what was happening within the police  
16 department, we had concerns about the reliability  
17 and security of information of the employees  
18 records, which was important to us for a lot of  
19 legal reasons. I think that things that we  
20 wanted to do, separate out the Clerk of the Court  
21 from the police department to separate out the  
22 Abegglen's and their working employment all of a  
23 sudden that didn't seem to be so burdensome to  
24 the Town Board, let's go ahead and do it.

25 Q In regard to Willis Abegglen's administrative

1 duties as Deputy Chief, what was your  
2 understanding as to how those administrative  
3 duties were going to be taken care of?

4 A I would say that the Deputy Chief had, as I  
5 viewed it, three categories. Basically the  
6 supervisory responsibilities. Our Deputy Chief  
7 acted as a supervisor, a Sergeant, had the role  
8 of a Sergeant, had what are called professional  
9 police duties in assisting the Chief of Police in  
10 policy and in management issues. That had some  
11 clerical duties as well just because we're a  
12 small community. And when we reorganized the  
13 department, the clerical duties went to -- the  
14 responsibilities went to the new Administrative  
15 Assistant, which was more efficient. An  
16 Administrative employee costs me less than a  
17 police officer and also brought those duties  
18 together into one position.

19 The responsibilities for the  
20 professional management of the organization,  
21 those went back to the Chief for him to reassign  
22 as appropriate, and then that position kind of  
23 retained the Sergeant's responsibilities.

24 Q And what did the new Administrative Assistant  
25 that was taking over Willis' administrative



1 duties -- Is that position listed on here?

2 A Police Secretary, new position is how we have it  
3 listed here.

4 Q And it's 56,000 a year?

5 A Yeah. Yes. That's with benefits.

6 Q I understand. And the 82,000 for Deputy Chief's  
7 with benefits, too, right?

8 A That's correct.

9 Q Did anyone on the Town Board ever sit down and  
10 question you about the savings cost analysis you  
11 did here?

12 A Oh, they went over it in detail.

13 Q Were they aware of the fact that this really  
14 wasn't a \$70,000 savings as is depicted at the  
15 bottom?

16 A Well, I believe it was I think. I'm just --  
17 would have to sit down and think about -- we're  
18 talking about the one position switching.

19 Looking back, the Deputy Treasurer was  
20 deleted at \$65,000 a year. The Billing Clerk --  
21 That became the Billing Clerk's, slash, here at  
22 \$43,000 per year. A lot of -- I think the cost  
23 savings there was driven by overtime.

24 Q With Mary Abegglen's position, the Clerk of Court  
25 Police Administrative Assistant was deleted at

1           50,000. What new positions were added as a  
2           result of that position being deleted?

3           A    The duties of the Administrative Assistant Clerk  
4           of Court, the administrative duties went to the  
5           Police Secretary position to separate out that  
6           from the Court, and what remained was the Clerk  
7           of Court responsibilities and so the job  
8           became -- it would be called Clerk of Court  
9           Receptionist just because that position then  
10          physically was being moved to the Town Hall and  
11          all of our employees at the Town Hall are up at  
12          the front desk. We only have three people up  
13          there. When somebody is on lunch or on sick  
14          leave, everybody has to fit in.

15          Q    And you don't have Abegglen's jumping down to the  
16          Sergeant's position here either, do you?

17          A    I believe I didn't do that because he would have  
18          occupied an existing position and there would  
19          have been a bump there.

20          Q    But there wasn't a bump, was there?

21          A    In our organization there was. When you follow  
22          the track of personnel, it took a while, but it  
23          occurred the next year. And again that's because  
24          we're managed by position and there were a number  
25          of people absent during that year and we retained

1           that officer so we didn't have to pay overtime  
2           for other people.

3       Q     Where do you have Mary's new position on here?

4       A     Clerk of Court/Receptionist.

5       Q     That's 34,000?

6       A     That would be the budget figure with benefits,  
7           yes.

8       Q     And then the other portion of her job was picked  
9           up by the Police Secretary, 56,000 a year?

10      A     That's correct.

11      Q     Now, at the time you met with Willis Abegglen in  
12           February of '09, and you informed him that the  
13           Deputy Chief's position was being eliminated, why  
14           was it that you told him the position was being  
15           eliminated to put more patrol officers on the  
16           street?

17      A     I think that was part of the benefit of the  
18           reorganization was is that we took a -- brought  
19           in a clerical employee at a lower rate of pay who  
20           is trained and equipped to do clerical work and  
21           put our licensed law enforcement officers back  
22           out on the street. Given that we are a small  
23           department with, at that time, a dozen officers,  
24           to get the personnel out of the office on the  
25           street was a significant benefit to us.

1 Q You also told Abegglen at that same time if he  
2 didn't retire, you would have to go to the  
3 position of Sergeant and that you would lay off  
4 the most junior person in the police department?

5 A That's correct.

6 Q So how are you gaining more patrol officers by  
7 putting one on and taking one and laying him off?

8 A Well, we didn't lose anybody on the street. We  
9 were able to gain a clerical position in the  
10 department and not lose street time.

11 Q You gained a clerical person, you lost an officer  
12 and you gained a sergeant?

13 A Right. Maybe that's confusing. We actually I  
14 don't think gained a sergeant. We kept the same  
15 number of sergeants, it's just that we wouldn't  
16 have a sergeant tied up in the office.

17 Q Now, when you told Abegglen this, he objected or  
18 he said that he would -- wouldn't be retiring and  
19 wouldn't be accepting the Sergeant's position  
20 except under duress, right?

21 A I don't have any exact memory of that  
22 conversation, no.

23 Q And --

24 A But I wouldn't dispute it either.

25 Q -- do you recall Abegglen requesting that the

1 Board provide him a letter regarding his demotion  
2 to Sergeant at that time? That he said I want a  
3 letter from the Board.

4 A I have -- Yes.

5 Q And at that time why did you respond to Willis  
6 Abegglen you don't tell me how to run the Town of  
7 Beloit?

8 A I think that you have to -- You have to -- What's  
9 in writing isn't always what exists at the time  
10 of the moment, and I think you have to know  
11 Willie and his demeanor and his action. At that  
12 point in time Willie was trying to take control  
13 of the conversation and tried to guide the  
14 direction of where the conversation was going,  
15 and I was not going to accept that.

16 Q Who had the Rock County Sheriff place an extra  
17 squad in the area of the Town Hall when you and  
18 Groves met with Abegglen to tell him his position  
19 was being eliminated?

20 A The direct answer to that question is the Sheriff  
21 did.

22 Q Who requested that the Sheriff do that?

23 A I requested that the Sheriff provide security at  
24 this point in time. How he did that was his  
25 decision. I did not specifically ask for a squad

1 car or anything else, but I did ask for the  
2 sheriff's department to provide security at that,  
3 during those conversations.

4 Q And why did you ask the Sheriff for security?

5 A That is because a number of people had over the  
6 previous few weeks warned me of Willie's  
7 explosive personality and the fact that he could  
8 become violent. One of those was Captain Tom  
9 Gehl of the sheriff's department. One of those  
10 were the Town of Board chairman, Greg Groves, and  
11 I believe Dave Garetson, who also is another  
12 employee of the Town, mentioned some things. I  
13 don't know how seriously I took it, but Bill  
14 Henderson, or the town attorney, was going to be  
15 with me, and I mentioned it to him, and he felt  
16 if there was any possibility of any violence that  
17 he would feel better if there was somebody there  
18 to help out, so I requested some assistance from  
19 the sheriff's department and he decided how it  
20 was going to be done.

21 Q In fact, the Sheriff that was parked outside,  
22 there was no need to call him into the situation,  
23 wasn't that true?

24 A No, there was not.

25 Q I'm going to show you what's been marked as

1 Exhibit 25. Can you identify Exhibit 25 for the  
2 record?

3 A Yeah. I was in conversation with the union  
4 regarding the reorganization and whenever there  
5 was something that affected that reorganization,  
6 I usually informed their representative, Al  
7 Fladthammer. In this case partly the  
8 reorganization caused while Mary was moving --  
9 Clerk of Court was moving from the police  
10 department into the Town Hall. In order to make  
11 the software work in the computers required a  
12 change to the Internet connection between the  
13 Town Hall, required a secure service between the  
14 Town Hall and the police department. That was  
15 delayed for a couple of reasons over time, some  
16 of it due to Charter and their hardware, some of  
17 it due to the person we had hired to do the  
18 software and getting the work done.

19 Q How much did it cost to move that office from the  
20 police building to the Town Hall including this  
21 installation of Internet service and moving  
22 charges and furniture and things of that nature?

23 A I can't tell you exactly 'cause there were other  
24 costs at the time associated with what was going  
25 on in the police department not directly related

1 to this and they kind of got lumped together.

2 The cost for Charter was no change. We  
3 were doing that anyway. There was some cost for  
4 some additional software and the time to set up  
5 that software, and I'm not sure what those costs  
6 are.

7 Q Do you have any idea what it cost for furniture  
8 at the Town Hall to set up this new office?

9 A I would not expect very much. We used existing  
10 furnishings. There may have been some  
11 administrative things that needed to be changed  
12 out, but I don't --

13 Q I'm going to show you what's been marked as  
14 Exhibit 26. Can you identify what Exhibit 26 is  
15 for the record?

16 A This is my response to Teamsters Local 695 and  
17 their grievance regarding I believe it's the  
18 Clerk of Court's job change.

19 Q You cite in here Wisconsin Statute Section  
20 111.345 as an antinepotism section of the  
21 Wisconsin code?

22 A I believe that code allows us to reassign  
23 personnel to avoid nepotism.

24 Q Going back to Exhibit 24 --

25 A Uhm-hum.



1 Q -- anywhere in there did your presentation to the  
2 Town Board on February 9th mention the Separation  
3 of Powers Doctrine?

4 A What I stated was separating court duties from  
5 law enforcement. I used different terminology in  
6 the two documents.

7 Q And by the time your letter to Mr. Bogdonas of  
8 June 8th, 2009, you had changed that term to  
9 Separation of Powers Doctrine?

10 A I expect I used those two terms pretty much  
11 interchangeably.

12 Q I show you what's been marked as Exhibit 27. Can  
13 you identify what this document is for the  
14 record?

15 A That is my budget letter to the Board for the  
16 budget we were preparing for 2010.

17 Q On page 2 it indicates the police department  
18 going back to 2008's approximate size; do you see  
19 that?

20 A Correct.

21 Q How was that going to be achieved as of  
22 November 2009 when this was written?

23 A In -- For the police budget for 2010  
24 fundamentally we were reducing four officers.

25 Q So in November of 2009 you had made a decision

1           that in 2010 four officers were getting cut?

2           A     That was the budget would be reduced for four  
3           officers, but in this case that included the  
4           officer that we had reduced in 2009 plus three  
5           new officers.

6           Q     Now, there's a foldout sheet in there and, I'm  
7           sorry, I didn't get real good copies of that on  
8           our copies, but we'll make better copies for us.  
9           In there it says 2009 total police department  
10          expense at \$1,322,479.25, right?

11          A     Yes.

12          Q     And for 2010 it's budgeted at \$1,158,390.36,  
13          correct?

14          A     Okay.

15          Q     I think that's on the follow-up sheet, it's got  
16          the 2010 --

17          A     Okay.

18          Q     -- projections. If I'm wrong, let me know. I  
19          said 1,158,390.36.

20          A     I have for 2010 budget for police showing on  
21          here, 1,344,858.46.

22          Q     Let me see where you're looking at and see where  
23          I'm mistaken. Okay.

24          A     I'm looking at the total column. It should be --  
25          the police should be the one, two, three, fourth

1 column down.

2 Q I was talking about personnel?

3 A Oh, personnel, that's okay.

4 Q That's where we're on this. I wasn't clear on  
5 that.

6 So it went down by roughly \$60,000 -- or  
7 roughly 160, about \$164,000?

8 A Correct, thereabouts.

9 Q And I see where the fire and ambulance personnel  
10 costs for 2009 was actually less than what it's  
11 projected for in 2010 by about 31,000, right?

12 A Shows the -- 2009, our budget for personnel  
13 expense for fire was 1.2 million. 1.2 --  
14 1,210,000; 2010, 1,242,000.

15 Q So actually fire and ambulance personnel costs  
16 went up versus the police, which went down?

17 A Correct.

18 Q Who all got cut from the police department budget  
19 in 2010, do you know the employees?

20 A By name?

21 Q Right.

22 A Well, including one that we had scheduled for  
23 reduction in 2009, it would have been Officer  
24 Decker, Officer Fisher, Officer Waldinger and  
25 then Officers Bogdonas resigned so that we did

1 not -- so that filled that position or took care  
2 of that position.

3 Q And you've added Laura Palmer?

4 A Sergeant Palmer fills the vacancy left by  
5 Sergeant Abegglen.

6 Q And there's still three sergeants at the police  
7 department now?

8 A There are a total of three sergeants, correct.

9 Q And I notice that between 2009 and 2010 the  
10 administrative personnel costs increased --

11 A Correct.

12 Q -- by about 60,000, right?

13 A From 268,000 to 330,000 approximately, yes.

14 Q Who is all covered by the administrative  
15 category?

16 A Administrative category includes myself as the  
17 Administrator, the Clerk, the Administrative  
18 Assistant/Personnel Clerk. I don't think --  
19 There may be some temporary part-time payroll  
20 involved in there as well.

21 Q How many raises have you received since  
22 January 2009?

23 A January 2009?

24 Q Uhm-hum.

25 A Zero. I did receive a raise in January,

1 January 2009.

2 Q How much was that?

3 A I can't remember exactly. I think it was right  
4 around about 5 percent.

5 Q And what's the -- who all got raises then from  
6 2009 to 2010 that accounts for administrative  
7 personnel costs going up by over 60,000?

8 A It was actually a reorganization of positions.  
9 We took -- What ended up happening is we took one  
10 part-time position, ended up making it a  
11 full-time position.

12 Q What's all covered in the category Board and  
13 Commissioner -- Boards and Commissioner on that  
14 budget?

15 A That would include the Town Board, and I think  
16 that's the only Town Board.

17 Q As I read the budget, the only areas that were  
18 decreased in the Town budget were the police,  
19 courts, Boards and Commissioners and the Fall  
20 Festival, am I correct about that, in regard to  
21 personnel costs?

22 A It appears so, yes.

23 Q Okay. I'm going to show you what's been marked  
24 as Exhibit 28. Can you identify Exhibit 28 for  
25 the record?

1       A     It is a memorandum from myself to the Town  
2             Personnel Clerk regarding paying terminal leave  
3             benefits to Sergeant Abegglen upon his  
4             retirement.

5       Q     That's dated March 1st, 2010?

6       A     Correct.

7       Q     And was the decision that you made not to pay  
8             Willis Abegglen the terminal leave benefits a  
9             decision the Town had ever made prior to this, to  
10            your knowledge?

11      A     I can't remember if Officer Bogdonas left our  
12            service before Sergeant Abegglen or -- Sergeant  
13            Abegglen left first, but they were the first two.

14      Q     When you say first two times it came up, what do  
15            you mean?

16      A     Our policy is for an employee to receive terminal  
17            leave benefits, they need to provide us 10  
18            working days notice, and this is the first --  
19            these are the first two occurrences that since  
20            I've been here that the employees leaving our  
21            service didn't provide us the 10 working days  
22            notice.

23      Q     Did you check in regard to any past history on  
24            whether anyone -- that had ever occurred before?

25      A     No.

1 Q I'm going to show you two documents at the same  
2 time. Exhibits 29 and 30, can you -- that's 30.  
3 Can you identify what Exhibit 29 is?

4 A Yeah. It is a notice to Mary Abegglen that we  
5 received application for the part-time Data Entry  
6 Clerk Position and that she could test for it on  
7 Saturday, April 3rd, 2010.

8 Q And what's Exhibit 30?

9 A That is the job description for the Data Entry  
10 Clerk dated March 2010.

11 Q That's the position she was allowed to apply for?

12 A Yes.

13 Q Did she take the test, do you recall?

14 A I believe she took both the written test and the  
15 data entry test.

16 Q And how did those exams work out?

17 A She did not score in the top five, which we  
18 interviewed for.

19 Q Who eventually got that position?

20 A Jennifer, and her last name I can't remember  
21 right now.

22 Q And did Jennifer apply for the position?

23 A Yes, she did.

24 Q How many internal investigations have you  
25 initiated against Mary Abegglen since February of

1 '09?

2 A Did I initiate?

3 Q Uhm-hum.

4 A Zero.

5 Q How many have been initiated against her that  
6 you're aware of?

7 A How many complaints I received against Mary? I  
8 can't remember the number off the top of my head.  
9 There's been a handful.

10 Q How many of those complaints have been  
11 substantiated?

12 A At this point, zero.

13 Q Do you have any idea of how many internal  
14 investigations were initiated against her prior  
15 to February of '09?

16 A I don't know if there's been any formal  
17 investigations done before that date.

18 Q Do you know why the change occurred as of  
19 February '09 in regard to Mary Abegglen having a  
20 handful of internal investigations initiated  
21 against her before February of '09 and there  
22 weren't any?

23 A I think that -- This is not related to Mary, but  
24 in the past we have received complaints on Mary.  
25 Those were done internally and informally



1           generally by the Chief, myself.

2                       After the commotion started in the  
3           police department, I had made a decision that all  
4           complaints would go in writing, be investigated  
5           in writing. And so we had numerous complaints  
6           not just involving Mary, in that period of time.

7       Q     Has it gone up for everyone then is what you're  
8           saying?

9       A     Individually?

10      Q     Right.

11      A     No. I think the number of investigations have  
12           gone up substantially. And I would expect that  
13           the number for Mary is the highest.

14                       MR. RETTKO: Do you have any questions?

15                       MR. ZALEWSKI: No, I don't.

16   BY MR. RETTKO:

17      Q     I'm going to take just a few minutes 'cause I  
18           want to make sure I'm all done with my questions  
19           before I release you 'cause I'd rather not have  
20           to do this again.

21      A     Okay.

22      Q     All right.

23                       MR. ZALEWSKI: These go with the court  
24           reporter.

25                       THE WITNESS: Okay. I'm sorry.

1 (A recess was taken.)

2 (At 2:11 p.m. the deposition concluded.)

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1           STATE OF WISCONSIN   )  
  )   SS:  
2           MILWAUKEE COUNTY    )

3                           I, CHRISTINE A. MORAN, RPR and Notary  
4           Public in and for the State of Wisconsin, do  
5           hereby certify that the deposition of ROBERT  
6           MUSEUS, was taken before me at the Beloit Fire  
7           Department 2445 South Afton Road, Beloit,  
8           Wisconsin, on the 1st day of September, 2010,  
9           commencing at 12:03 in the afternoon.

10                       That it was taken at the instance of  
11           the Plaintiffs upon verbal interrogatories.

12                       That said statement was taken to be  
13           used in an action now pending in the UNITED  
14           STATES DISTRICT COURT, WESTERN DISTRICT OF  
15           WISCONSIN, in which Willis Abegglen, et al., are  
16           the Plaintiffs, and the Town of Beloit, et al.,  
17           are the Defendants.

18                       A P P E A R A N C E S

19                       RETTKO LAW OFFICES, S.C., 15460 West  
20           Capitol Drive, Suite 150, Brookfield, Wisconsin  
21           53005, by MR. WILLIAM R. RETTKO, appeared on  
22           behalf of the Plaintiffs.

23                       ZALEWSKI, KLINNER & KRAMER, LLP, 1500  
24           Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin  
25           54401-1386, by MR. RICHARD W. ZALEWSKI, appeared

1 on behalf of the Defendants.

2 ALSO PRESENT Kris Eastman, Willis  
3 Abegglen and Mary Abegglen.

4 That said deponent, before examination,  
5 was sworn to testify the truth, the whole truth,  
6 and nothing but the truth relative to said cause.

7 That the foregoing is a full, true and  
8 correct record of all the proceedings had in the  
9 matter of the taking of said deposition, as  
10 reflected by my original machine shorthand notes  
11 taken at said time and place.

12

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Notary Public in and  
for the State of Wisconsin

16

17

18 Dated this 9th day of September, 2010.

19 Milwaukee, Wisconsin.

20

My Commission expires December 12, 2010.

21

Halma-Jilek Reporting, Inc.  
(414) 271-4466

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